

RAWLE & HENDERSON, LLP  
 BY: EDWARD C. MINTZER, JR., ESQUIRE  
 DELIA CLARK, ESQUIRE  
 IDENTIFICATION NOS.: 30300/54657  
 THE WIDENER BUILDING  
 SOUTH PENN SQUARE  
 PHILADELPHIA, PA 19106  
 (215) 575-4200

ATTORNEYS FOR DEFENDANTS,  
 AIR BASE CARPET MART, INC.  
 d/b/a AIR BASE DISTRIBUTING,  
 INC. d/b/a AIR BASE CARPET MART,  
 RICHARD LONGWILL, and  
 BARBARA LONGWILL

JAMES H. GORBEY, JR., Administrator of  
 the ESTATE OF MARISSA ROSE  
 FISHMAN, deceased

COURT OF COMMON PLEAS  
 PHILADELPHIA COUNTY

v.

MARCH TERM, 2004

RICHARD LONGWILL,  
 and  
 BARBARA LONGWILL,  
 and  
 AIR BASE CARPET MART, INC.  
 D/B/A AIR BASE DISTRIBUTING,  
 INC. D/B/A AIR BASE CARPET MART  
 and  
 TERESA GARCIA ZAVALA

NO. 3776

AFFIDAVIT

Rochelle Fishman, being duly sworn according to law depose and states as follows:

1. I was the mother of the decedent, Marissa Fishman.
2. Due to marital difficulties on or about August 12, 2002, I brought my children, Alexandra, Samuel, Harrison and Marissa and the children's nanny Teresa Garcia Zavala, to stay with my parents, Barbara and Richard Longwill at their home located at 3220 Surrey Park, Wilmington, Delaware.
3. My children, Teresa and I remained at my parents' home through August of 2002. We were all present on the date of this tragic accident of August 30, 2004.
4. My husband, Eric Fishman and I employed Teresa Garcia Zavala as a nanny. Teresa had been in our employ since April, 2002.
5. After I left the marital home on August 12, 2002, I continued to employ Teresa Zavala as my children's nanny.

6. Teresa was responsible for helping take care of my children. Part of her job responsibilities included cleaning up after the children. This involved light housekeeping.

7. At material times hereto, I paid for Teresa's services and was responsible for paying her. Neither my parents nor Air Base Carpet Mart, Inc. paid for her services as nanny.

8. Since my separation in August of 2002, I have not resided in Pennsylvania. At present, I have no intention of living in the Commonwealth of Pennsylvania. My children continue to reside with me in Delaware.

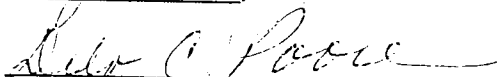
9. On August 30, 2002, I was at my parents home along with my mother Barbara, my four children, Teresa Zavala, a cousin, Allison Lucas, my sister, Deborah Fox, and my grandmother, Helen Longwill.

10. In addition, there were two workman present working on the outside patio.

I have read the foregoing statements and certify same to be true and correct to the best of my knowledge and belief.

  
ROCHELLE FISHMAN

Sworn to and subscribed  
Before me, this 28<sup>th</sup> day  
Of June, 2004

  
Notary Public